

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA GEAR CORPORATION,)

Plaintiff)

v.)

No. 02CV4359

ACSA STEEL FORGINGS, S.P.A.,)

Defendant)

**MOTION TO STAY PROCEEDINGS UNTIL
DISPOSITION OF PLAINTIFF'S MOTION TO REMAND**

Plaintiff, Pennsylvania Gear Corporation, by and through its undersigned counsel, respectfully requests that this Court stay all further action in this case pending disposition of Plaintiff's Motion to Remand, as more fully set forth in Plaintiff's accompanying Memorandum.

Respectfully submitted,

Mohammad A. Ghiasuddin, Esquire
Attorney ID Number 83925
Kaplin Stewart Meloff Reiter & Stein, PC
350 Sentry Parkway
P.O. Box 3037
Blue Bell, PA, 19422-0765
610-260-6000 (phone)
610-260-1240 (fax)

Attorney for Plaintiff

Dated: October 1, 2002

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA GEAR CORPORATION,)

Plaintiff)

v.)

No. 02CV4359

ACSA STEEL FORGINGS, S.P.A.,)

Defendant)

ORDER

AND NOW, this _____ day of _____, 2002, it is hereby **ORDERED** that all further action in this matter is hereby stayed pending disposition of Plaintiff's Motion to Remand.

BY THE COURT:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was caused to be sent by first class mail, postage prepaid by the undersigned on the date stated below, to the addressee stated below and at the address stated below:

Robert J. Catalde, Esquire
Catalde & Bradford
731 French Street
Erie, PA 16501

Craig A. Markham, Esquire
Elderkin, Martin, Kelly & Messina
150 East Eighth Street
Erie, PA 16501

**KAPLIN STEWART MELOFF
REITER & STEIN, P.C.**

Dated: October 1, 2002

**By: _____
MOHAMMAD A. GHIASUDDIN, ESQUIRE**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA GEAR CORPORATION,))
Plaintiff)

v.)

No. 02CV4359

ACSA STEEL FORGINGS, S.P.A.,)
Defendant)

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO STAY PROCEEDINGS
UNTIL DISPOSITION OF PLAINTIFF'S MOTION TO REMAND**

Plaintiff, Pennsylvania Gear Corporation ("Penngear"), by and through its undersigned counsel, submits this Memorandum in support of its Motion to Stay Proceedings, and states as follows:

Plaintiff commenced this action by filing its Complaint on or about June 5, 2002, in the Court of Common Pleas, Bucks County, Pennsylvania. On or about July 1, 2002, Defendant ACSA Steel Forgings, SPA ("ACSA") filed its Notice of Removal to federal court. ACSA filed its Answer on or about July 25, 2002.

On or about August 7, 2002, the Court issued a Notice of Arbitration, setting this matter for arbitration for November 20, 2002.

Plaintiff filed its Motion to Remand on or about October 1, 2002, based on this Court's lack of subject matter jurisdiction. Defendant, on or about September 27, 2002, served its Motion to Dismiss.

Plaintiff seeks to have all action in this matter stayed, pursuant to the Court's inherent power to do so, pending disposition of Plaintiff's Motion to Remand. Plaintiff makes this request because should Plaintiff's Motion to Remand be granted, preparations to brief and argue Defendant's Motion to Dismiss and preparations to present this case for arbitration will become unnecessary and result in a waste of

resources, as well as result in unnecessary expense for the parties.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that its Motion to Stay be GRANTED.

Respectfully Submitted,

Mohammad A. Ghiasuddin, Esquire
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**KAPLIN STEWART MELOFF
REITER & STEIN, P.C.**

Dated: October 1, 2002

**By: _____
MOHAMMAD A. GHIASUDDIN, ESQUIRE**